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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HAMZA, FARUK	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,173	WATSON ET AL.	
	Examiner	Art Unit	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-5* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is responsive to the communication filed on October 03, 2005. Group II, Claims 6-30 has been elected. Claims 6-7,9,13 and 20 have been amended. Claims 22-30 have been newly added. Claims 1-30 are now pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-7,9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 6, it is unclear to examiner what applicant meant by "**receiving at a location** remote from the STB a first item of information related to resources associated with the STB **from the STB".** It is unclear and indefinite language.

As to claim 7, it is unclear to examiner what applicant meant by "wherein the second item of information is received **by the location** from the STB from a database**".** It is unclear and indefinite language.

As to claim 9, it is unclear to examiner what applicant meant by receiving, retrieving and comparing at the location. It is not clear who or what is receiving, retrieving and comparing.

As to claim 13, it is unclear to examiner what applicant meant by receiving, retrieving and comparing at the location. It is not clear who or what is receiving, retrieving and comparing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 6-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Yun (U.S. Patent Number 6,915,531).

Yun teaches the invention as claimed including an open cable set top box diagnosing system in which a point of deployment, separated from a main circuit unit (See abstract).

As to claim 6, Yun teaches a method for communicating with a remote set top box (STB) comprising the step of:

receiving at a location remote from the STB a first item of information related to resources associated with the STB from the STB (Column 2, lines 34-46; Column 9, lines 44-Column 10, lines 44, Yun discloses server receiving information associated with STB); and

comparing at the location remote from the STB the first item of information with a second item of information, the second item of information being related to resources expected to be associated with the STB (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44, Yun discloses comparing received information from STB with expected information); and

based on a result of the comparing, communicating an instruction involving the resources from the location remote from the STB to the STB (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44, Yun discloses communicating instruction based on comparing result).

As to claim 7, Yun teaches the method according to claim 6, wherein the second item of information is received by the location remote from the STB from

a database (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 8, Yun teaches the method according to claim 6, wherein the first item of information includes information related to a fixed disc drive (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 9, Yun teaches a method for remotely managing resources associated with a set top box (STB) comprising the steps of:

receiving at a location remote from the STB a first item of information sent from the STB, wherein the first item of information relates to the resources associated with the STB (Column 2, lines 34-46; Column 9, lines 44-Column 10, lines 44, Yun discloses server receiving information associated with STB);

retrieving at the location remote from the STB a second item of information, wherein the second item of information relates to resources that are expected to be associated with the STB (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44), and

comparing at the location remote from the STB the first item of information with the second item of information (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44, Yun discloses comparing received information from STB with expected information).

As to claim 10, Yun teaches the method according to claim 9, wherein the second item of information relates to an expected configuration of resources associated with the STB (Column 9, lines 44-Column 10, lines 44).

As to claim 11, Yun teaches the method according to claim 9, wherein if a difference between the first item of information and the second item of information is detected, then an instruction is sent to the STB (Column 9, lines 44-Column 10, lines 44).

As to claim 12, Yun teaches the method according to claim 9, wherein the first item of information is received from a remote resource manager (Column 9, lines 44-Column 10, lines 44).

As to claim 13, Yun teaches a method for remotely managing resources associated with an set top box (STB) comprising the steps of:

receiving at a location remote from the STB a first item of information from the STB, wherein the first item of information relates to resources associated with the STB (Column 2, lines 34-46; Column 9, lines 44-Column 10, lines 44, Yun discloses server receiving information associated with STB);

retrieving at the location remote from the STB a second item of information from a database spaced from the STB, wherein the second item of information relates to an expected configuration of the STB (Column 5, lines 31-

57; Column 9, lines 44-Column 10, lines 44, Yun discloses determining if there are any error or improper operation in STB);

comparing at the location remote from the STB the first item of information with the second item of information (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44, Yun discloses comparing received information from STB with expected information); and

sending an instruction from the location remote from the STB to the STB wherein the instruction is adapted to perform a function on the STB that is related to the resources (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44, Yun discloses communicating instruction based on comparing result).

As to claim 14, Yun teaches the method according to claim 13, wherein the instruction modifies an amount of available disk space on a fixed disk drive associated with the STB.

As to claim 15, Yun teaches the method according to claim 14, wherein the instruction modifies an amount of available disk space on a fixed disk drive associated with the STB by instructing the STB to address only certain portions of the fixed disk drive (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 16, Yun teaches the method according to claim 14, wherein the instruction modifies an amount of available disk space on a fixed disk drive associated with the STB by instructing the STB to address additional portions of the fixed disk drive (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 17, Yun teaches the method according to claim 13, wherein the instruction modifies a capability of a tuner (Column 1, lines 27-48).

As to claim 18, Yun teaches the method according to claim 17, wherein the instruction modifies the capability of a tuner by permitting the tuner to descramble additional channels (Column 1, lines 27-48).

As to claim 19, Yun teaches the method according to claim 17, wherein the instruction modifies the capability of a tuner by preventing the tuner to descramble preselected channels (Column 1, lines 27-48).

As to claim 20, Yun teaches the method according to claim 13, wherein the instruction is sent from the location remote from the STB to a remote resource manager of the STB (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 21, Yun teaches the method according to claim 13, wherein the instruction is adapted to be received by a remote resource manager (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 22, Yun teaches the method of claim 12, further comprising: receiving at the STB user input that requests a new service (Column 1, lines 18-26); and

determining by the remote resource manager whether the STB has the resources to support the new service (Column 1, lines 18-26).

As to claim 23, Yun teaches the method of claim 6, wherein the STB is integrated into a television (Column 2, lines 21-27).

As to claim 24, Yun teaches the method of claim 13, wherein the instruction provides for at least one of enabling a resource of the STB related to the first item of information, disabling a resource of the STB related to the first item of information, including authorization keys related to the first item of information, and causing the STB to diagnose a problem of the STB related to the first item of information (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 25, Yun teaches A computer readable medium having encoded instructions that causes at least one computer to:

receive a first item of information from a set top box (STB), wherein the first item of information relates to resources associated with the STB (Column 2, lines 34-46; Column 9, lines 44-Column 10, lines 44, Yun discloses server receiving information associated with STB);

retrieve a second item of information from a database spaced from the STB, wherein the second item of information relates to an expected configuration of the STB (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44, Yun discloses determining if there are any error or improper operation in STB);

compare the first item of information with the second item of information; and send an STB instruction to the STB wherein the instruction is adapted to perform a function on the STB that is related to the resources (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44, Yun discloses comparing received information from STB with expected information).

As to claim 26, Yun teaches the computer readable medium of claim 25, wherein the second item of information is received from a database (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 27, Yun teaches The computer readable medium according to claim 25, wherein the encoded instructions further cause the STB instructions to

be sent to a remote resource manager of the STB and wherein the encoded instructions further cause the remote resource manager to detect the resources and send the first item of information (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

As to claim 28, Yun teaches the computer readable medium of claim 29, wherein the encoded instructions further cause the STB to receive user input that requests a new service, and determine by the remote resource manager whether the STB has the resources to support the new service (Column 1, lines 18-26).

As to claim 29, Yun teaches the computer readable medium of claim 25, wherein the STB is integrated into a television (Column 2, lines 21-27).

As to claim 30, Yun teaches the computer readable medium of claim 25, wherein the STB instructions provide for at least one of enabling a resource of the STB related to the first item of information, disabling a resource of the STB related to the first item of information, including authorization keys related to the first item of information, and causing the STB to diagnose a problem of the STB related to the first item of information (Column 5, lines 31-57; Column 9, lines 44-Column 10, lines 44).

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

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